

Remarks

Applicant would like to thank the Examiner for the courtesy and helpful suggestions extended to Applicant's attorney, Jacqueline Haley, during the telephone interview of February 20, 2004. The Examiner and Ms. Haley discussed the rejections under 35 USC 112, first and second paragraphs and claim language which would overcome the same. The claims, as amended herein, reflect the substance of the telephone interview.

In the Final Rejection dated January 13, 2004, the Examiner rejected claims 20-21, and 28-29 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention.

Specifically, the Examiner indicated that the term "the textured particles" in the second line of part (b) lacked antecedent basis in claim 1. Applicant respectfully traverses this rejection.

Applicant has amended claims 20-21 and 28-29 to include the term "biocompatible micronized textured polyethylene particles" in order to correspond to the terminology used in claim 1. Accordingly, antecedent basis now exists for the terminology used in claims 20-21 and 28-29.

The Examiner rejected claims 1, 4, 7-11, 13, and 20-29 under 35 USC 112, first paragraph, as containing subject matter not described in the specification as originally filed. Specifically, the Examiner indicated that the term "carrier" was broader than the original term "liquid carrier substrate." Additionally, the Examiner indicated that by deleting the term "mechanically stable", the claims are now broader than the original disclosure. Applicants have amended the claims to change the term "carrier" to "physiological carrier." The term "physiological carrier" finds support in the original disclosure at page 10, line 29. Applicants have further amended the claims to once again include the term "mechanically stable" as a description of the composition. Support for this amendment is found in the specification at page 8, line 26 and page 9, line 13.

The Examiner indicated that claims 15-19, withdrawn from consideration as being non-elected, must be cancelled or otherwise appropriately acted upon in order for this response to be a complete response to the Final Rejection. Applicant notes that claims 15-19 are directed to a method for using the novel composition claimed in claim 1 and are otherwise of the same scope as claim 1. In accordance with the Technology Center's initiative to reduce the number of

restriction requirements and divisional applications filed as a result of restriction requirements, Applicant respectfully requests rejoinder of the non-elected claims.

Applicant has provided a complete response to the Final Rejection mailed on January 13, 2004. Accordingly, Applicant respectfully requests allowance of all of the pending claims.

Applicant does not believe that a fee is due in association with this Amendment After Final Rejection. However, if the Examiner determines that a fee is required, authorization is hereby provided to charge the requisite fee to Deposit Account No. 20-1507.

Respectfully submitted,



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